NOTES OF CASES.

Defender of Cameron Dam—Guilty.—John Dietz, the defender of Cameron Dam, who for nearly a decade has been before the eyes of the public because of his setting at defiance officers of the law sent to him to serve process, has been tried and convicted, and his conviction affirmed in Dietz *v.* State, 136 Northwestern Reporter, 166. The facts are briefly as follows: In September, 1910, a criminal warrant was placed in the hands of the sheriff commanding him to arrest Dietz on a charge of assault with intent to murder. The sheriff, who also had other warrants for his arrest on charges for which he had never been apprehended, formed a posse, which approached the Dietz farm and surrounded it, being "armed to the teeth." On his refusal to surrender, they opened siege with their rifles, and many shots were fired at and from the Dietz homestead, wherein was not only Dietz, but a woman and children. During this miniature battle one of the deputies was struck and killed. Later Dietz surrendered and was arrested, charged with the murder of the deputy killed in the affray. The jury returned a verdict of guilty, and he was sentenced to life imprisonment. On appeal the Supreme Court of Wisconsin affirms the conviction, holding that the evidence sustains the verdict. One of the interesting points raised on appeal which grew out of the fact that, on his declining to be defended by counsel, Dietz was allowed to conduct his own defense, was the contention that the court should have appointed an attorney to defend the case, or at least to act as amicus curiæ, and see that his rights were fully preserved, for he was unlettered and had no knowledge of the law. From the beginning to the end of the case it appears that Dietz made objections to the admissibility of evidence offered, which in some instances, the court says, could hardly have been improved by an accomplished lawyer. The court says he was very active, and managed the case with a shrewdness and knowledge which was not only surprising, but which may well have been fully as effective as if the defense had been conducted by an attorney, and therefore together with the reason that the Constitution guarantees one the right to be heard "by himself" as well as counsel, holds the contention without merit. In closing, the court says: "After a patient and fair trial, the defendant has been found guilty of a death upon ample evidence. Pity the defendant as we may, we have no choice of course on this record. It is as true now as it was in the days of the Hebrew prophet, that he who sows the wind must needs be content if he be compelled to reap the inevitable whirlwind."

Attorneys.—Constitutional provisions entitling a person accused of crime to appear by counsel, and forbidding the taking of prop-

erty for public use without compensation, or the taking of liberty or property without due process at law are held in Pardee *v.* Salt Lake County (Utah), 36 L. R. A. (N. S.), 377, not to entitle a person designated by the court to defend an indigent prisoner, to recover compensation for his services from the public.

Gross carelessness in failing to keep books and accounts of clients, and in misrepresenting the facts to clients because of failure to know the truth with respect to them, as his duty requires, are held in Re Robertson (S. D.), 36 L. R. A. (N. S.), 442, not to be sufficient to require the disbarment of an attorney.

Patent—Revocation for Non-Manufacture within United Kingdom —Threat of Action for Infringement—Excuse for Non-Manufacture —Patent Act, 1907 (7 Edw. VII. c. 29), ss. 24, 27—(R.S.C. c. 69, s. 38).—In re Taylor's Patent (1912) 1 Ch. 635. In this case the appellants were the owners of an English patent of invention issued in 1904. The Eriths Engineering Company were owners of another patent of which the appellant's patent was declared by a United States court to be an infringement. The appellants had made efforts to exploit their patent in England, but had been deterred by threats of the Eriths Engineering Company to bring an action for infringement, from proceeding to manufacture their patented article in England. In 1910 the Eriths Engineering Company applied to the Controller-General to revoke the appellants' patent for non-manufacture in England under s. 27 of the Patent Act (7 Edw. VII. c. 29) (see R.S.C. c. 69, s. 38), and the application was granted, but Parker, J., on appeal held that the threat of action was a sufficient excuse, and he cancelled the revocation.—English Case in Canada Law Journal.

Tradename—Company—Similarity of Name—Right of Individual to Trade in His Own Name—Transfer to Company of Use of Individual Name.—Kingston *v.* Kingston (1912) 1 Ch. 575. This was an action tried without pleadings. The plaintiff company sought to restrain the defendant company from using the name of Kingston as part of its trade name. The plaintiff company (Kingston, Miller & Co.) was incorporated in 1897, to carry on the business of caterers formerly carried on by Kingston & Miller. The sole managing director of the company had a son named Thomas Kingston, who was associated as assistant in carrying on the business. In 1911 he left the employment of the plaintiff company and joined with a Mr. Wheatley and established a company which was incorporated as "Thomas Kingston & Co." for the purpose of carrying on a similar business to that of the plaintiff company, and of which new company Thomas Kingston was managing director. Warrington, J., who tried the action, although conceding that Thomas Kingston, in